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 8 UNITED STATES FIRE INSURANCE COMPANY

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 10 IN THE UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 (OAKLAND DIVISION)

13
 14 LENSCRAFTERS, INC.; and EYEXAM
 15 OF CALIFORNIA, INC.;

16 Plaintiffs,

17 vs.

18 LIBERTY MUTUAL FIRE INSURANCE
 19 COMPANY; EXECUTIVE RISK
 SPECIALTY INSURANCE COMPANY;
 UNITED STATES FIRE INSURANCE
 COMPANY; MARKEL AMERICAN
 INSURANCE COMPANY; and
 WESTCHESTER FIRE INSURANCE
 COMPANY,

20 Defendants.

21 Case No. C-07-2853 SBA
 The Honorable Saundra B. Armstrong

E-FILING

**REQUEST FOR JUDICIAL NOTICE IN
 SUPPORT OF UNITED STATES FIRE
 INSURANCE COMPANY'S MOTION TO
 DISMISS OR, IN THE ALTERNATIVE,
 STAY ACTION IN FAVOR OF PRIOR-
 PENDING NEW YORK STATE COURT
 ACTION**

Date: September 11, 2007
 Time: 1:00 p.m.
 Courtroom: 3

1 Defendant United States Fire Insurance Company (“U.S. Fire”), by and through its
2 counsel, hereby requests the Court to take judicial notice pursuant to Federal Rule of Evidence
3 201 of the following facts:

4 1. Defendant U.S. Fire filed a parallel state court complaint on May 24, 2007 in the
5 Supreme Court of the State of New York, County of New York, *United States Fire Insurance*
6 *Company v. Luxottica U.S. Holdings Corp., et al.* (New York Supreme Court Case No.
7 07/07338), a copy of which is attached hereto as Exhibit 1.

8
9 Dated: July 18, 2007

SQUIRE, SANDERS & DEMPSEY L.L.P.

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11 By: /s/Amy E. Rose

Amy E. Rose

12 Attorneys for Defendant
13 UNITED STATES FIRE INSURANCE
14 COMPANY

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PROOF OF SERVICE

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action; my business address is One Maritime Plaza, Third Floor, San Francisco, California 94111-3492.

On July 18, 2007, I served the following document described as:

UNITED STATES FIRE INSURANCE COMPANY'S REQUEST FOR JUDICIAL NOTICE

- VIA THE UNITED STATES DISTRICT COURT ELECTRONIC FILING SERVICE on interested parties in this action as set forth below:

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Executed on July 18, 2007, at San Francisco, California. I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

/s/ Agnes Gacayan
Agnes Gacayan